



July 17, 2019

Lisa Murkowski, United States Senator, Alaska
Dan Sullivan, United States Senator, Alaska
Mike Crapo, United States Senator, Idaho
James Risch, United States Senator, Idaho
Jon Tester, United States Senator, Montana
Steve Daines, United States Senator, Montana
Patty Murray, United States Senator, Washington
Maria Cantwell, United States Senator, Washington
522 Hart Senate Office Building
Washington, DC 20510 USA

Dear Senators Murkowski, Sullivan, Crapo, Risch, Tester, Daines, Murray and Cantwell,

Thank you for taking the time to write to me about your work in Congress to pursue constructive engagement with Canada on transboundary watersheds. I am pleased to have the opportunity to detail how my government considers, monitors and oversees resource projects in British Columbia.

The Province and our neighbours in Alaska, Washington, Idaho and Montana share similar values when it comes to the environment and supporting livelihoods in local communities. I am grateful for the strong relationships we have built with your states, where our relationships are predicated on frequent and regular communication. Our governments have established forums to address issues and concerns that arise within our shared transboundary watersheds, and our collective participation in these forums is a positive demonstration of that commitment.

In your letter, you expressed concern about the lack of oversight of mining projects near transboundary rivers that flow into the United States. All mining projects, including those near British Columbia's transboundary rivers are subject to world-leading regulation and oversight. In my government, the Ministry of Energy, Mines and Petroleum Resources (EMPR), the Ministry of Environment and Climate Change Strategy (ENV) and the Environmental Assessment Office (EAO) are collectively responsible for the oversight of mines in B.C. Additionally, a variety of regulatory partners, including our Ministry of Forests, Lands, Natural Resource Operations and Rural Development, federal and local governments, and First Nations have a role in aspects of the oversight of mines. The Government of British Columbia is committed to working closely with our partners in B.C. and in the United States to ensure water quality standards in shared watersheds.

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The Province has given significant attention, engagement and resources to implement legislative and regulatory changes to strengthen industry safety and oversight. These efforts were most recently emphasized in B.C.'s Budget 2019, in which \$20 million of new funding was allocated towards mining oversight. Prior to Budget 2019, the requirements for tailings storage facilities were significantly strengthened, including the requirement for an Independent Tailings Review Board; as well as mandating that all new mines follow modernized and increased safety requirements. All mines in B.C. must also adhere to stringent requirements for tailings storage facilities.

Similarly, my government has strengthened the *Environmental Management Act*, which enables us to recover costs of environmental clean-up directly from the spiller or polluter; clarifies requirements for restoration; and increases penalties for incomplete restoration. We have also passed a new *Environmental Assessment Act* to be implemented in the fall of 2019. The new *Act* includes a number of changes to enhance public confidence, advance reconciliation with First Nations and protect the environment while offering clear pathways to sustainable project approvals. Among the changes are new tools to enhance compliance and enforcement, including administrative monetary penalties of up to \$750,000. In addition, the Ministries of Environment and Climate Change Strategy, Energy, Mines and Petroleum Resources, and the Environmental Assessment Office have a Mining Compliance and Enforcement Strategic Plan that outlines B.C.'s vision for achieving enhanced protection of the environment, human health and public safety through an integrated risk-based approach to mining oversight. The Strategic Plan also formalizes the integration and coordination of the three agencies' mining compliance and enforcement efforts. Each of the three agencies have their own compliance and enforcement policies and in 2018 they published a joint "Risk Management Framework for Mining in BC," formalizing how the agencies practice risk management for mining both independently and collectively.

As part of our commitment to true and lasting reconciliation with Indigenous Peoples in British Columbia, my government is fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Calls to Action. Strengthening relationships with First Nations and leveraging Indigenous knowledge and perspectives improves social and economic outcomes for Indigenous Peoples and all British Columbians.

Beyond our internal efforts to increase mining oversight, strengthen regulatory tools and decision-making processes, and deepen engagement with Indigenous Peoples, B.C. is committed to ongoing collaboration, information sharing, engagement and joint-monitoring with our partners in the United States. This collaboration takes place through a number of shared forums and joint working groups that have been established through the bilateral agreements and Memoranda of Cooperation B.C. has signed with Alaska, Washington and Montana. All of these groups are very active and work to address many of the issues raised in your letter in a bilateral manner.

A specific example of the value of these forums is the Tulsequah Chief Mine site approximately 120 kilometers south of Atlin, B.C. on the Tulsequah river. This site has long been the source of historical contamination concerns and an area of strong focus for the collaborative work between

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B.C. and Alaska. My government has advanced efforts to undertake planning for remediation and reclamation of the site; while simultaneously holding past owners jointly and severally liable. We look forward to receiving the site remediation and reclamation plan in November, 2019 and will continue to work closely with our Alaskan neighbours as we progress on this key issue.


Beyond these collaborative government efforts, the mining industry within Canada has taken key steps towards greater compliance and regulation through initiatives such as Towards Sustainable Mining (TSM) which is a performance system that mining companies use to evaluate and manage their environmental and social responsibilities. The TSM was established by the Mining Association of Canada (MAC) in 2004 and helps ensure that key mining risks are managed responsibly at participating mining and metallurgical facilities. Since 2004, various mining jurisdictions around the world have adopted TSM for their members, and TSM participation is mandatory for MAC members.

I invite you to review the appendix to this letter which provides a detailed overview of the investments we have made in mining oversight and the accountability measures we have enacted in shared transboundary watersheds, including improved environmental assessment processes, water quality monitoring and regulation of waste discharge. The appendix offers detailed information on the ways in which B.C. and our neighbouring U.S. states are directly engaged in these matters.

Responsible natural resource development and environmental stewardship are priorities for my government. In fact, we recently introduced and are following through on CleanBC, an environmental and economic development strategy that is the cleanest energy plan in Canada and rewards innovative and sustainable practices. I invite our governments and respective agencies to continue working together to develop productive and forward-looking economies by taking advantage of the abundant resources we have been given, while reducing pollution and committing to protecting our air, land and water.

Thank you once again for bringing your concerns to my attention and your leadership in safeguarding our transboundary watersheds.

Sincerely,



John Horgan
Premier

Enclosure

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cc: Right Honourable Justin Trudeau, Prime Minister of Canada
Honourable Chrystia Freeland, Minister of Foreign Affairs
Honourable Jonathan Wilkinson, Minister of Fisheries, Oceans and the Canadian Coast Guard
Honourable Catherine McKenna, Minister of Environment and Climate Change
Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations
Mr. Nathan Cullen, Member of Parliament for Skeena-Bulkley Valley
Mr. Fin Donnelly, Member of Parliament for Port Moody-Coquitlam
Mr. Wayne Stetski, Member of Parliament for Kootenay-Columbia
Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development
Honourable Michelle Mungall, Minister of Energy, Mines and Petroleum Resources
Honourable George Heyman, Minister of Environment and Climate Change Strategy
Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

Honourable Mike Pompeo, Secretary of State
Honourable David Bernhardt, Secretary of the Interior
Mr. Chad McIntosh, Office of International and Tribal Affairs, EPA
Mr. Michael J. Dunleavy, Governor of Alaska
Mr. Brad Little, Governor of Idaho
Mr. Steve Bullock, Governor of Montana
Mr. Jay Inslee, Governor of Washington